



12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Arjun Vasan,

Plaintiff and Counter-Defendant

vs.

Checkmate.com, Inc.,

(dba "Checkmate"),

Defendant and Counterclaimant

Case No.: 2:25-cv-00765-MEMF-ASx
Hon. Alka Sagar | DISCOVERY MATTER

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO DETERMINE
SUFFICIENCY OF RFA RESPONSES;
COMPEL RULE 26(A)(1)(A)(III)
DAMAGES COMPUTATIONS; AND FOR
A PROTECTIVE ORDER PHASING OR
SEQUENCING DISCOVERY**

Complaint Filed: January 28, 2025

Hearing Date: November 20, 2025

Hearing Time: 11:00 A.M.

Courtroom: 540

Having considered Non-Party Vasan Varadarajan's motion, the papers, and the record,
the Court GRANTS IN PART the motion and ORDERS as follows:

1 **I. Conditions Precedent to Any Non-Party Discovery of Mr. Varadarajan**

2 **A. Ruling on Rule 12(b)(6) Motion.**

3 No non-party discovery shall occur until the Court has ruled on Plaintiff's pending Rule
4 12(b)(6) motion to dismiss. Any non-party discovery authorized thereafter must conform to the
5 claims and defenses as narrowed or clarified by that ruling; if the ruling moots categories of
6 discovery, those categories are denied as moot.

7 **B. Party-First Production (Post-Ruling).**

8 Within 14 days after the Court's Rule 12(b)(6) ruling, Checkmate shall produce from its
9 own files: (a) the VoiceBite code; (b) documents/communications regarding authorship,
10 ownership, transfer, creation/development, and identification of authors of that code; and (c) the
11 IP agreements and negotiation communications relating to the 2024 transaction. In the same
12 filing, Checkmate shall identify with reasonable particularity the specific files it contends are at
13 issue (e.g., by filename and, if available, repository path/commit ID).

14 **C. Non-Party Counsel Deposit.**

15 Within 7 days after completion of ¶A, Checkmate shall advance \$5,000 as initial deposit
16 toward Mr. Varadarajan's reasonable fees and expenses to retain counsel solely for subpoena
17 compliance (including conferral through counsel, implementing this Order, and preparing
18 for/attending any deposition authorized by the Court). Until the deposit is paid, Mr. Varadarajan
19 has no obligation to meet and confer or otherwise comply, and all subpoena-related
20 communications shall occur through counsel.

21 **Gating Clause.** No non-party production, search, or deposition may be noticed or
22 conducted unless and until all three Conditions Precedent (¶¶A–C) are satisfied. Any deadlines
23 for non-party compliance shall run from the later of: (i) the date all Conditions Precedent are
24 satisfied, or (ii) a date set by further order of the Court. Certification. Before seeking any relief,
25 Checkmate shall file a Notice of Satisfaction certifying compliance with ¶¶A–C.

1 **II. ORDER**

2 1. Party-first sequencing. Within 14 days, Checkmate shall produce from its own
3 files the categories it identified in its Rule 26(a)(1) disclosures concerning: (a) the VoiceBite
4 code; (b) documents/communications regarding authorship, ownership, transfer, creation or
5 development, and identification of authors; and (c) the IP agreements and negotiation
6 communications. In the same period, Checkmate shall identify with reasonable particularity the
7 specific files it contends are at issue (e.g., by filename).

8 2. Non-party non-possession of code. Mr. Varadarajan does not possess, custody, or
9 control VoiceBite or Checkmate source code and is not required to produce code or obtain code
10 from others. Any non-party production, if reached, is limited to non-privileged communications.

12 3. Scope and time limits (non-party communications only). Any non-party
13 communications discovery shall be limited to Jan. 1, 2024–Dec. 31, 2024, and must directly
14 concern (i) the specific files identified by Checkmate under ¶1 and/or (ii) the 2024 VoiceBite-
15 Checkmate transaction. Communications concerning family, health, personal finances, or
16 litigation strategy are excluded.

17 4. Sequencing relative to party discovery. No non-party production or deposition
18 shall occur until after (i) Checkmate completes the party production required by ¶1 and (ii) the
19 parties' complete depositions of principal party witnesses regarding the transaction and code.

21 5. Deposition (if any). If the Court later permits a deposition of Mr. Varadarajan, it
22 shall be remote and limited to no more than three (3) hours on the record, confined to clarifying
23 his prior statements (if any) about the identified files and 2024 transaction logistics, excluding
24 family/health/personal finances/legal opinions. In the Court's discretion, discrete topics may be
25 satisfied by sworn declaration in lieu of testimony.

6. CyborgOPS/Presto requests. Subpoena requests directed to CyborgOPS or Presto (including requests 9–16) are DENIED WITHOUT PREJUDICE. Any future request must show a specific, non-duplicative need tied to a file identified under ¶1.

7. “This Action” requests. Requests seeking materials relating to this litigation are DENIED, except that non-privileged scheduling/meet-and-confer communications with Checkmate’s counsel may be produced if otherwise within ¶3.

8. Privacy and sealed submission. If the Court determines that relief turns on personal health/caretaking circumstances, Mr. Varadarajan may submit a short, sealed declaration (and, if necessary, a brief provider note) within three (3) court days, with any compliance date adjusted accordingly.

9. All other relief. Except as expressly ordered above, the motion is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: _____.

ALKASAGAR

United States Magistrate Judge